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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,835	04/05/2004	Tatsumi Yanai	50195-419	3128

7590

08/09/2006

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

MCCREARY, LEONARD

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,835

Applicant(s)

YANAI, TATSUMI

Examiner

Leonard J. McCreary, Jr.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/5/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the time" in line 6. Claim 3 recites the limitation "the information combining section" in lines 2-3 and "the driving actions" in line 3. Claim 4 recites the limitation "the driving actions" in line 2 and "the lane" in line 3. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by US 2001/0040505 to Ishida et al. Ishida discloses a navigation device comprising the following:

- a. A driving support apparatus, comprising: an imaging device 7 which picks up a peripheral image of a vehicle; a detecting device 8 which detects action information of a moving object present around the vehicle; an information generating device 4 which generates determination supporting information for supporting determinations at the time of driving the vehicle based on the action information; an information combining device 11 which combines the determination supporting information with the peripheral image; and a display device 5 which displays the peripheral image combined with the determination supporting information (claim 1.)
- b. When the moving object approaches the vehicle, the information generating device calculates time required for the moving object to reach the vehicle based on the action information of the moving object, and the information generating device generates the determination supporting information using the calculated time (paragraphs [0074-0074]) (claim 2.)
- c. When the moving object approaches the vehicle, the information combining section combines a range, where margin time for the driving actions intended by a driver of the vehicle is secured, with the peripheral image based on the calculated time (paragraphs [0085-0089]) (claim 3.)
- d. The driving actions intended by the driver is a shift of the vehicle to the lane on which the moving object moves when the moving object moves on a lane different from that on which the vehicle runs and approaches the vehicle, and the range where the margin time is secured is a distance between the vehicle and

the moving object, in which the vehicle can smoothly change lanes (paragraphs [0085-0089]) (claim 4.)

e. The detecting device detects the action information of the moving object present in the peripheral image according to an image process (paragraph [0069], Fig. 23) (claim 5.)

f. The action information is an acceleration of the moving object with respect to the vehicle (paragraph [0069], lines 3-5) (claim 6.)

g. A driving support apparatus, comprising: imaging means 7 for picking up a peripheral image of a vehicle; detecting means 8 for detecting action information of a moving object present around the vehicle; information generating means 4 for generating determination supporting information which supports determinations at the time of driving the vehicle based on the action information; information combining means 11 for combining the determination supporting information with the peripheral image; and display means 5 for displaying the peripheral image combined with the determination supporting information (claim 7.)

h. A method for supporting a driver, comprising: picking up a peripheral image of a vehicle; detecting action information of a moving object present around the vehicle; generating determination supporting information for supporting determinations at the time of driving the vehicle based on the action information; combining the determination supporting information with the

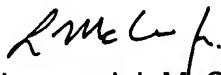
peripheral image; and displaying the peripheral image combined with the determination supporting information (paragraph [0042]) (claim 8.)


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. McCreary, Jr. whose telephone number is 571-272-8766. The examiner can normally be reached on 0700-1700 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Leonard J. McCreary, Jr.
Examiner
Art Unit 3616


PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
